

House File 298 - Enrolled

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HOUSE FILE 298

AN ACT

RELATING TO THE CONVEYANCE OR ENCUMBRANCE OF A HOMESTEAD AND
PROVIDING AN EFFECTIVE AND APPLICABILITY DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 561.13, Code 2007, is amended to read
as follows:

561.13 CONVEYANCE OR ENCUMBRANCE.

A conveyance or encumbrance of, or contract to convey or
encumber the homestead, if the owner is married, is not valid,
unless and until the spouse of the owner executes the same or
a like instrument, or a power of attorney for the execution of
the same or a like instrument, ~~and the instrument or power of
attorney sets out the legal description of the homestead.~~

However, when the homestead is conveyed or encumbered along
with or in addition to other real estate, it is not necessary
to particularly describe or set aside the tract of land
constituting the homestead, whether the homestead is
exclusively the subject of the contract or not, but the
contract may be enforced as to real estate other than the
homestead at the option of the purchaser or encumbrancer. If
a spouse who holds only homestead rights and surviving
spouse's statutory share in the homestead specifically
relinquishes homestead rights in an instrument, including a
power of attorney constituting the other spouse as the
husband's or wife's attorney in fact, as provided in section
597.5, it is not necessary for the spouse to join in the
granting clause of the same or a like instrument.

Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This Act, being
deemed of immediate importance, takes effect upon enactment
and applies to powers of attorney in existence on or after the
effective date of this Act.

PATRICK J. MURPHY
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 298, Eighty-second General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved _____, 2007

CHESTER J. CULVER
Governor